

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAMAR FORMAN, : CIVIL ACTION
 :
 Plaintiff :
 :
 V. :
 :
 SGT. THOMAS FLAGG, ET AL., :
 :
 Defendants : NO. 03-1563

**DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S COMPLAINT**

1. This paragraph is introductory paragraph that requires no response.
2. This paragraph is a jurisdictional statement which requires no response.
3. Admitted.
4. It is denied that the amount in controversy exceeds \$100,000.00
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.

16. Admitted.
17. Denied as stated.
18. Denied as stated.
19. Admitted.
20. Denied as stated.
21. Admitted.
22. Denied as stated. By way of further answer, plaintiff was released from Delaware County Prison on or about September 5, 2002.
23. Admitted a preliminary hearing was held on September 5, 2002 and that the charges were dismissed. It is denied that the criminal charges were baseless.
24. Defendants have no knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in paragraph 24 of the plaintiff's complaint.
25. Defendants have no knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in paragraph 25 of the plaintiff's complaint.
26. Admitted.
27. Defendants have no knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in paragraph 27 of the plaintiff's complaint.
28. Defendants have no knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in paragraph 28 of the plaintiff's complaint.
29. Denied as stated.

- 30. This paragraph is a conclusion of law which requires no response.
- 31. No response required.
- 32. Admitted.
- 33. Admitted.
- 34. Denied as stated.
- 35. Admitted.
- 36. Admitted.
- 37. Denied as stated.
- 38. Denied as stated.
- 39. Denied as stated.
- 40. This paragraph is a conclusion of law which requires no response.
- 41. This paragraph is a conclusion of law which requires no response.
- 42. Denied as stated.
- 43. Denied as stated.
- 44. Denied as stated.
- 45. Denied as stated.
- 46. This paragraph is a conclusion of law which requires no response.
- 47. No response required.
- 48. This paragraph is a conclusion of law which requires no response.
- 49. This paragraph is a conclusion of law which requires no response.

- 50. This paragraph is a conclusion of law which requires no response.
- 51. No response required.
- 52. This paragraph is a conclusion of law which requires no response.
- 53. This paragraph is a conclusion of law which requires no response.
- 54. No response required.
- 55. This paragraph is a conclusion of law which requires no response.
- 56. This paragraph is a conclusion of law which requires no response.
- 57. Admitted.
- 58. No response required.
- 59. This paragraph is a conclusion of law which requires no response.
- 60. This paragraph is a conclusion of law which requires no response.
- 61. Admitted.
- 62. No response required.
- 63. Denied as stated.
- 64. Denied as stated.

AFFIRMATIVE DEFENSES

1. Defendants are entitled to qualified immunity on plaintiff's constitutional claims.
2. Defendants are entitled to sovereign immunity on Counts 3, 4, 5, and 6 of plaintiff's complaint.

D. MICHAEL FISHER
ATTORNEY GENERAL

BY: _____

Randall J. HENZES
Deputy Attorney General
Identification No. 53256

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

Office of Attorney General
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107-3603
Telephone: (215) 560-2136

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CERTIFICATE OF SERVICE

I, Randall J. Henzes, Deputy Attorney General, hereby
certify that I served a true and correct copy of Defendants'
Answer and Affirmative Defenses to Plaintiff's Complaint by on
May 30, 2003, by United States mail, first class, postage prepaid
to:

Nicholas M. D'Alessandro, Jr., Esquire
941 Pottstown Pike
Exton, Pa 19341

D. MICHAEL FISHER
ATTORNEY GENERAL

BY:

Randall J. Henzes
Deputy Attorney General
Identification No. 53256

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